



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,994	12/09/2003	Khatoun Shahrubaki	34874-068	5871
64280 7590 06/09/2009 MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C. ONE FINANCIAL CENTER BOSTON, MA 02111				
EXAMINER				
KE, PENG				
ART UNIT		PAPER NUMBER		
2174				
MAIL DATE		DELIVERY MODE		
06/09/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/731,994

Applicant(s)

SHAHBABAKI ET AL.

Examiner

SIMON KE

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2009.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-19 and 22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 3/30/09.

Claims 1-19, and 22 are pending in this application. Claims 1, 11, 21, and 22 are independent claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 11, and 22 are reject under 35 U.S.C. because phrase “a visual transition between the overlapping background regions is defined by a change from a graphic pattern of one of the overlapping background regions to a graphic pattern of the other back ground region” render the term “lacking a border” indefinite because the visual transition is the border between the two concurrently displayed and overlapping background regions.

The claim limitation is interpreted to be

a visual transition between the overlapping background regions is defined by a change from a graphic pattern of one of the overlapping background regions to a graphic pattern of the other background region.

Claim 1 includes the limitation “at least two concurrently displayed and non-overlapping background regions each including one or more related graphical structures; and two concurrently displayed and overlapping background regions...”

The claim limitation is interpreted to be

“at least two concurrently displayed and overlapping background regions each including one or more related graphical structures; and two concurrently displayed and overlapping background regions...”

Claims 11 and 21 include the limitation or similar limitation “the two or more background regions being arranged so that they do not overlap; and two concurrently displayed and overlapping...”

The claim limitation is interpreted to be
“the two or more background regions being arranged so that they may overlap; and two concurrently displayed and overlapping...”

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-13, 15-19, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee US Patent 7,017,122.

As per claim 1, Lee teaches a method of generating a graphical user interface (GUI), the method comprising:

grouping graphical user interface objects into object groups; (see Lee, fig. 6, col. 3, lines 55-70)

defining an arrangement for a plurality of the object groups, each object group corresponding to at least one relationship in the arrangement, (see Lee, fig. 6, col. 3, lines 25-col. 4, lines 35) the arrangement corresponding to a hierarchy among the object groups to provide the at least one relationship, the at least one relationship comprising at least one of an overlapping relationship, a disjoint relationship, a one to one relationship, and n to one relationship. (see Lee, fig. 6, col. 3, lines 25-col. 4, lines 35; the hierarchy displays n to one relationship; and it displays an overlapping of the selection “favorite ch”)

assigning a graphic pattern that is distinct for each relationship; (see Lee, col. 3, lines 40-65)

generating a graphical structure for each object to be represented in the GUI; (see Lee, col. 4, lines 45-62)

generating a background region for the GUI for each object group based on the assigned graphic pattern for the corresponding relationship for the object group; (see Lee, col. 4, lines 45-62) and

generating the GUI comprising:

at least two concurrently displayed and non-overlapping background regions each including one or more related graphical structures; (see Lee, fig. 6, col. 4, lines 25-45)

at least two concurrently displayed a visual transition between the overlapping background regions is defined by a change from a graphic pattern of one of the overlapping background regions to a graphic pattern of the other background region comprising a distinct graphical pattern. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 2, Lee teaches the method in accordance with claim 1. Lee further teaches comprising displaying the GUI. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 3, Lee teaches the method in accordance with claim 1. Lee further teaches the method wherein a graphic pattern represents a color to be displayed in a background region. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 4, Lee teaches the method in accordance with claim 3. Lee further teaches the wherein each relationship in the arrangement is assigned a different color. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 6, Lee teaches the method in accordance with claim 1. Lee further teaches wherein a graphic pattern represents a shading pattern to be displayed in a background region. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 7, Lee teaches the method in accordance with claim 6. Lee further teaches wherein the shading pattern includes a plurality of lines. (see Lee, fig. 6)

As per claim 8, Lee teaches the method in accordance with claim 6. Lee further teaches wherein the shading pattern includes a color. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 9, Lee teaches the method in accordance with claim 1. Lee further teaches wherein at least one graphical structure is selectable by a user of the GUI for interaction. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 10, Lee teaches the method in accordance with claim 1. Lee further teaches wherein the arrangement is a hierarchy and each relationship in the hierarchy is a level in the hierarchy. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 11, it is rejected under the same rationale as claim 1. Supra.

As per claim 12, Lee teaches the in accordance with claim 11. Lee further teaches wherein a graphic pattern represents a color to be displayed in a background region. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 13, Lee teaches the in accordance with claim 12. Lee further teaches wherein each relationship in the arrangement is assigned a different color. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 15, Lee teaches the in accordance with claim 11. Lee further teaches wherein a graphic pattern represents a shading pattern displayed in a background region. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 16, it is rejected under the same rationale as claim 7. Supra.

As per claim 17, Lee teaches the in accordance with claim 15. Lee further teaches wherein the shading pattern includes a color. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 18, Lee teaches the in accordance with claim 11. Lee further teaches wherein at least one graphical structure is selectable by a user of the GUI for interaction. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 19, Lee teaches the in accordance with claim 11. Lee further teaches wherein each relationship in the arrangement is a level in a hierarchy and the arrangement is a hierarchy. (see Lee, fig. 6, col. 4, lines 25-45)

As per claim 22, it is rejected under the same rationale as claim 1. Supra.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated by Lee US Patent 7,017, 122 in view of Young US Patent 6,177,933.

As per claim 5, Lee teaches the method in accordance with claim 4. Lee fails to teach wherein the different color is progressively lighter or darker according to the significance of the relationship in the arrangement.

Young teaches wherein the different color is progressively lighter or darker according to the significance of the relationship in the arrangement. (see Young, col. 3, lines 58-60, Young "Other techniques to highlight property overrides may include shading, front selection, animation, and transparent overlays.")

It would have been obvious to an artisan at the time of the invention to include Young's teaching with method of Lee in order to retain visual continuity between data set displayed on a computer monitor.

As per claim 14, it is rejected under the same rationale as claim 5. Supra.

Response to Arguments

Applicant's arguments filed 3/30/09 have been fully considered but they are not persuasive.

Applicant's argument focused on whether Lee teaches the at least one relationship comprising at least one of an overlapping relationship, a disjoint relationship, a one to one relationship, and n to one relationship.

Lee teaches this limitation because it used a color scheme and a graphic pattern to indicate the n to one relationship between the "favorite ch" and its submenu items "CATV 03, tv 05, and tv 07." (see Lee, figure, 06)

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SIMON KE whose telephone number is (571)272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2174

Peng Ke

/Peng Ke/

Primary Examiner, Art Unit 2174